

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

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|---------------------------|---|---------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 1:14-cr-00209-TWP-TAB |
| |) | |
| SHAUNETTE BROOKS, |) | -01 |
| |) | |
| Defendant. |) | |

ENTRY DENYING MOTION TO REDUCE SENTENCE

Shaunette Brooks’ Motion to Reduce Sentence, dkt. 193, asks the Court to modify her sentence pursuant to 18 U.S.C. § 3582(c)(2) because she has serious medical needs that are not being met under her current conditions of imprisonment. For the reasons stated below, the Motion must be **denied**.

I. DISCUSSION

Title 18 U.S.C. § 3582(c) makes clear that a court “*may not* modify a term of imprisonment once it has been imposed except” in limited circumstances. The provision Ms. Brooks has cited—§ 3582(c)(2)—allows a court to modify a prison term that was based on a sentencing range that has subsequently been lowered by the U.S. Sentencing Commission. Ms. Brooks has not identified such a change to her sentencing range and the Court is not aware of any retroactive amendments that would allow such a reduction. Therefore, her motion to reduce sentence, dkt. [193], is denied on under this provisio.

A separate provision—§ 3582(c)(1)(A)(i)— allows a court to reduce a prison term if “extraordinary and compelling reasons warrant such a reduction.” The prisoner’s need for medical care is a factor that may be considered in weighing whether such a reduction is warranted. *See* 18

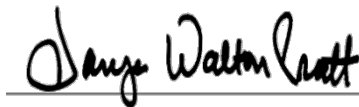
U.S.C. § 3553(a)(2)(D) (cited in § 3582(c)(1)(A)). However, this provision does not allow the Court to grant Ms. Brooks request because a court is authorized to reduce a prison term on this basis *only* “upon motion of the Director of the Bureau of Prisons.” 18 U.S.C. § 3582(c)(1)(A). The process by which an inmate may request that the Bureau file such a motion is outlined in BOP Program Statement 5050.49, *Compassionate Release/Reduction in Sentence: Procedures for Implementation of 18 U.S.C. §§ 3582(c)(1)(A) and 4205(g)*. The **clerk is directed** to include a copy of Program Statement 5050.49 with Ms. Brooks’ copy of this Entry.

II. CONCLUSION

The Court is sympathetic to the medical situation Ms. Brooks has described. However, the Court does not have authority to modify Ms. Brooks’ sentence under these circumstances. For the reasons state above, the Motion to Reduce Sentence, dkt. [193] is **DENIED**. Additionally, if Ms. Brooks is being denied necessary medical treatment for a serious medical condition, she may initiate a civil lawsuit in the district of her incarceration.

SO ORDERED.

Date: 1/3/2019



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

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